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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 KENNETH CAPOGRECO,

10 Plaintiff,

No. CIV S-00-1951 LKK GGH P

11 vs.

12 R. SANDHAM, et al.,

13 Defendants.

ORDER

14 _____/
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16 Plaintiff's and defendants' motions to compel re: discovery came on for hearing
17 on May 17, 2007. Lara T. Kollios and Joanna Rosen of Jones Day appeared for plaintiff.
18 Deputy Attorney General John W. Riches II represented defendants.

19 Defendants brought a motion to deem requests for admissions admitted or, in the
20 alternative, to compel supplemental responses; and to compel answers to compel interrogatory
21 answers. Plaintiff brought a motion to compel responses to certain of their second set of
22 interrogatories and third set of requests for production propounded upon defendants Lett and
23 Park.

24 At the hearing, as to plaintiff's motion, plaintiff's counsel stipulated that nos. 23
25 and 24 of their second set of interrogatories propounded upon defendant Park were no longer at
26 issue, and the court does not address those interrogatories herein.

1 Following oral argument, the motions were adjudicated at the hearing. The
2 timelines set forth by this order supersede any deadline set forth at the hearing, to the extent the
3 deadlines herein differ.

4 Accordingly, IT IS ORDERED that:

5 1. Defendants' April 16, 2007, motion to compel is denied in part, granted in part
6 and vacated in part, as follows:

7 a) denied as to deeming admitted those of defendants' first set of requests
8 for admission propounded to plaintiff, which plaintiff neither denies nor admits;

9 b) granted to the extent that defendants seek further supplemental
10 responses to the requests for admission, and plaintiff must serve amended supplemental
11 responses to the requests for admission no. 1, having only one subpart: A, and request no. 2,
12 which includes subparts A through H, directed to defendant Park, and requests for admission no.
13 1, including subparts A through H, and request no. 2, including only subparts C through M,
14 within thirty days of the date of this order;

15 c) vacated without prejudice with respect to defendants' motion to compel
16 further responses to interrogatories, pending plaintiff's amended responses to the requests for
17 admission;

18 2. Plaintiff's motion to compel, filed April 16, 2007, is granted in part and denied
19 in part as follows:

20 a) denied as to the second set of interrogatories propounded by plaintiff,
21 specifically, as to interrogatory nos. 4 and 6, directed to defendant Lett, and as to interrogatory no.
22 11, propounded upon defendant Park;

23 b) granted as to the third set of requests for production propounded upon
24 defendant Lett as to request nos. 28 and 29, and upon defendant Park as to request nos. 18 and
25 19, and defendants must serve further supplemental responses/production to these requests as to
26 defendant Lett, and supplemental responses/production as to defendant Park, within thirty days

of the date of this order; and

c) denied as to the remaining requests for production of documents.

DATED: 6/18/07

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH:009
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